IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 30489 of 2006(D)

AGAINST THE ORDER DATED 18/08/06 IN EP 1004/2004 IN OS.2974/2000 of PRL.MUNSIFF COURT,THRISSUR

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PETITIONERS:

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1. VISWAMBARAN, S/O.AYYAPPANKUTTY,
   AGED 72 YEARS, KANIYAMPARAMBIL HOUSE,PALAZHI DESOM
   KARAMUCK VILLAGE, THRISSUR TALUK.

2. BUDHADAS, S/O. AYYAPPANKUTTY,
   AGED 70 YEARS, KANIYAMPARAMBIL HOUSE,PALAZHI DESOM
   KARAMUCK VILLAGE, THRISSUR TALUK.

3. SADANANDAN, S/O.MACHINGAL SANKARAN,
   MAMBILLI DESOM, KARAMUCK VILLAGE, THRISSUR TALUK.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS:

ECOMARK KURIES (P) LTD., THRISSUR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 : TRUE COPY OF EXECUTION PETITION FILED BY RESPONDENT.

EXT.P2 : TRUE COPY OF THE COUNTER FILED BY PETITIONERS 2 &3.

EXT.P3 : TRUE COPY OF THE ORDER DT.18.08.06 IN EP NO.1004 OF 2004 IN OS NO.2974 OF 2000.

EXT.P4 : TRUE COPY OF THE MEMO DT.18.08.06 ISSUED BY THE COUNSEL FOR THE DECREE HOLDER 11.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 30489 OF 2006

Dated this the 28th day of June, 2007

JUDGMENT

It is reported that the petitioner has promptly complied with the condition imposed by this court for granting stay, i.e., he remitted a sum of Rs.10,000/- within 17.11.06. The court below will verify whether the above claim is correct and if it is seen that the claim is correct, then the court below will keep all further proceedings in abeyance on condition that the petitioner remits every month commencing from 15.07.07 at the rate of Rs.1,500/- till such time as the entire debt is wiped off. Once it is seen apparently that the entire debt is wiped off, the petitioner is permitted to file an application for recording full satisfaction and the court below will hear the parties and take decision on that application. If the petitioner defaults payments of instalments then he will forfeit the benefit of this judgment.

PIUS C. KURIAKOSE, JUDGE

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